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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,177	08/28/2008	Jerome Cassayre	70311/UST	1365
85981	7590	01/05/2012	EXAMINER	
		Syngenta Corp Protection, Inc. 410 Swing Road Greensboro, NC 27409	DESAI, RITA J	
			ART UNIT	PAPER NUMBER
			1625	
			MAIL DATE	DELIVERY MODE
			01/05/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/581,177	CASSAYRE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RITA DESAI	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 12/7/11.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) Claim(s) 1,2,8-13 and 15-25 is/are pending in the application.
  - 5a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 1, 2, 8, 9, 11-13, 15-25 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Election/Restrictions***

The claims were restricted to the compounds and composition of the formula I wherein X is N, Y is C=O, p and q are each 2, Ra, R 2, R3, R4 are all H, CN or an alkyl.

Claim 8 formula II was included which had X to be an N, and R8 to be a Hydrogen or a butoxycarbonyl.

“Applicants have elected group I of the restriction. X is n, Y is C=O, and p and q are each 2, R9, R2,R3, R4 are all H or CN or an alkyl of formula I, claims 1-9, and new claims 11-20.

The examiner has expanded the group to include claim 8 formula III,

The examiner has agreed for a rejoinder of the method claims limited to the same scope if the compound claims were found to be allowable. “

The substituents for R4 has been expanded to include, “each R<sup>4</sup> is independently halogen, nitro, fluoro, chloro, bromo, cyano, cyano, C1-4 alkyl, C1-4 haloalkyl, Cl-4 cyanoalkyl or C1-3 alkoxy(Cl-3)alkyl- “

which is as given in the now amended claim.

To begin with the claims have not been amended to the elected group!

For e.g. the claims still include X to be O, and Y to be a single bond.

Additionally for claim 8 formula II is still included. Formula II, which was not in the elected group.

Claims under examination ( limited to the elected group) are 1, 2, 8, 9, 11-13, 15-25.

***Claim Objections***

Claim 1, 2, 8, 9, 11, 12, 13, 15-25 are objected to because of the following informalities:

Claim 1 has brackets to indicate groups and definitions. Parenthesis should only be used for chemical formulas. For e.g. in claim 1 page 4

"dialkylamino), heteroaryl(C1-6)alkyl (wherein the heteroaryl group is optionally substituted halogen, C1-4 alkyl, Cl-4 alkoxy, C~4 haloalkyl, C~4 haloalkoxy, CN, NO<sub>2</sub>, aryl, heteroaryl, amino or dialkylamino), phenyl(C2-6)alkenyl (wherein the phenyl group is optionally substituted by

"

Please review all claims including the new claims 21, 22 wherein the description of the substituents is included in parenthesis.

Appropriate correction is required.

The claim 1 has heteroaryl defined in one para and in the other para on page 4 it is not.

The rejection under 35 USC 112 has been maintained.

The claims have not been properly amended. The R8 heteroaryl has no definition in the specifications. The claims have not been amended to the specific groups as taught by the species.

The only heteroaryl for the R8, the examiner was able to view was pyridyl.

If this is incorrect applicants should point out wherein the specifications the definition for R8 is included or which are the species with the various heteroaryl.

The rejection has been maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA DESAI whose telephone number is (571)272-0684. The examiner can normally be reached on Maxi- flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/  
Primary Examiner, Art Unit 1625

January 3, 2012.